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# **Committee on Education Appropriations**

**Monday, April 17, 2006  
3:00 p.m. – 4:00 p.m.  
212 Knott**

## **ACTION PACKET**

**COMMITTEE MEETING REPORT**  
**Education Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 212 Knott Building

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Joe Pickens (Chair)	X		
Thad Altman			X
Bruce Antone			X
Rafael Arza	X		
Frank Attkisson	X		
Dennis Baxley	X		
Dorothy Bendross-Mindingall	X		
Larry Cretul	X		
Faye Culp	X		
Nancy Detert			X
Anitere Flores	X		
Susan Goldstein	X		
Ron Greenstein	X		
Charlie Justice	X		
David Meador	X		
William Proctor	X		
David Rivera	X		
David Simmons	X		
Anthony Traviesa	X		
Shelley Vana	X		
<b>Totals:</b>	<b>17</b>	<b>0</b>	<b>3</b>

Committee meeting was reported out: Monday, April 17, 2006 4:37:49PM

# COMMITTEE MEETING REPORT

## Education Appropriations Committee

4/17/2006 3:00:00PM

**Location:** 212 Knott Building

**HB 119 CS : Determination of Resident Status for Tuition Purposes**

<input checked="" type="checkbox"/> <i>Favorable With Committee Substitute</i>					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman			X		
Bruce Antone			X		
Rafael Arza			X		
Frank Attkisson			X		
Dennis Baxley	X				
Dorothy Bendross-Mindingall	X				
Larry Cretul	X				
Faye Culp	X				
Nancy Detert			X		
Anitere Flores			X		
Susan Goldstein			X		
Ron Greenstein			X		
Charlie Justice	X				
David Mealor	X				
William Proctor		X			
David Rivera	X				
David Simmons	X				
Anthony Traviesa	X				
Shelley Vana	X				
Joe Pickens (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

### Appearances:

Barbara Cohen Pippin (Lobbyist) - Proponent  
 Broward Community College  
 Ft. Lauderdale FL

Sheila Hopkins (Lobbyist) - Proponent  
 Florida Catholic Conference  
 Tallahassee FL

Committee meeting was reported out: Monday, April 17, 2006 4:37:49PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

Bill No. 119 CS

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

4/17/06  
22

Council/Committee hearing bill: Education Appropriations  
Committee

Representative Zapata offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 134- 145 and insert:

Section 2. Section 1009.255, Florida Statutes, is created  
to read:

1009.255 Out-of-state fee exemption.--

(1) A student who meets all of the following requirements  
may be eligible for an exemption from paying out-of-state fees  
assessed pursuant to s. 1009.22, s. 1009.23, or s. 1009.24:

(a) The student resided in Florida with a parent for at  
least 3 consecutive years immediately preceding the date the  
student received a high school diploma, or its equivalent, and  
attended a Florida public high school for at least 3 consecutive  
school years during such time.

(b) The student is accepted by and enrolls in a community  
college or state university within 12 months of receiving the  
high school diploma or its equivalent.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

21 (c) The student submits an application for the exemption  
22 to the Department of Education in the manner prescribed by the  
23 department by the deadline established by the department.

24 (2) (a) For the 2006-2007 academic year, the department  
25 shall distribute the exemptions in the following manner:

26 1. To the first 1,500 students currently enrolled in a  
27 community college or state university with a cumulative grade  
28 point average of at least 2.0 who submit an application to the  
29 department and meet the criteria in subsection (1)

30 2. To the top 500 students in academic performance in  
31 Florida public high schools who submit an application to the  
32 department and meet the criteria in subsection (1).

33 (b) Beginning with the 2007-2008 academic year, the  
34 Department of Education shall issue no more than 500 new  
35 exemptions per year to the top 500 students in academic  
36 performance in Florida public high schools who submit an  
37 application to the department and meet the criteria in  
38 subsection (1).

39 (c) In order to retain the exemption, a student must  
40 complete at least 12 semester credit hours or the equivalent in  
41 the previous academic year and maintain at least a 2.0  
42 cumulative grade point average.

43 (3) (a) The Department of Education shall administer the  
44 exemption program, develop an application form, and establish  
45 deadlines and guidelines for student participation.

46 (b) The department shall issue the exemptions by August 31  
47 of each year and shall notify the student and the community  
48 college or state university in which the student is enrolled.

49 (4) The exemption may not be used for remedial courses,  
50 graduate-level courses, or professional-level courses.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

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===== D I R E C T O R Y   A M E N D M E N T =====

Remove line(s) 21-22 and insert:  
Statutes, are amended, and paragraph (1) is added to subsection  
(10) of that section, to read:

===== T I T L E   A M E N D M E N T =====

Remove line(s) 12-14 and insert:  
education; updating obsolete terminology; classifying as  
residents for tuition purposes certain employees of  
international multilateral organizations; creating s. 1009.255,  
F.S.; providing an out-of-state fee exemption; providing  
eligibility criteria; providing for distribution of the  
exemption; limiting participation in the program; requiring the  
Department of Education to administer the exemption program;  
prohibiting use of the exemption for certain purposes; providing  
an

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# COMMITTEE MEETING REPORT

## Education Appropriations Committee

4/17/2006 3:00:00PM

**Location:** 212 Knott Building

**HB 665 : Florida Virtual School**

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman			X		
Bruce Antone			X		
Rafael Arza			X		
Frank Attkisson			X		
Dennis Baxley	X				
Dorothy Bendross-Mindingall	X				
Larry Cretul	X				
Faye Culp	X				
Nancy Detert			X		
Anitere Flores	X				
Susan Goldstein			X		
Ron Greenstein	X				
Charlie Justice	X				
David Mealor	X				
William Proctor	X				
David Rivera	X				
David Simmons	X				
Anthony Traviesa	X				
Shelley Vana	X				
Joe Pickens (Chair)		X			
<b>Total Yeas: 13</b>		<b>Total Nays: 1</b>			

### Appearances:

Wendy Hosking (Lobbyist) - Proponent  
 Polk County Schools  
 Bartow FL

Committee meeting was reported out: Monday, April 17, 2006 4:37:49PM

**COMMITTEE MEETING REPORT**  
**Education Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 212 Knott Building

**HB 7117 : Sexual Predators and Offenders**

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thad Altman			X		
Bruce Antone			X		
Rafael Arza	X				
Frank Attkisson	X				
Dennis Baxley	X				
Dorothy Bendross-Mindingall	X				
Larry Cretul	X				
Faye Culp		X			
Nancy Detert			X		
Anitere Flores	X				
Susan Goldstein	X				
Ron Greenstein	X				
Charlie Justice	X				
David Mealor	X				
William Proctor	X				
David Rivera	X				
David Simmons	X				
Anthony Traviesa	X				
Shelley Vana	X				
Joe Pickens (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 1</b>			

**Appearances:**

Joy Frank (Lobbyist) - Proponent  
 Florida Association of District School Superintendents  
 Tallahassee FL

Wayne Blanton (Lobbyist) - Proponent  
 Florida School Board Association  
 Tallahassee FL

Andy Feeney (Lobbyist) - Proponent  
 BellSouth

Darvin Boothe (Lobbyist) - Proponent  
 Seminole County Public Schools  
 Sanford FL

Tim Huth (Lobbyist) - Proponent  
 Volusia County Schools  
 Deland FL

Committee meeting was reported out: Monday, April 17, 2006 4:37:49PM



**COMMITTEE MEETING REPORT**  
**Education Appropriations Committee**

**4/17/2006 3:00:00PM**

**Location:** 212 Knott Building

Frank Meiners (Lobbyist) - Proponent  
Florida Cultural Alliance  
Tallahassee FL

Herb Sheeheane (Lobbyist) - Proponent  
TDS Telecom  
Quincy FL

Rick Watson (Lobbyist) - Proponent  
Florida Association of Electrical Contractors  
Tallahassee FL

Ed DePuy (Lobbyist) - Proponent  
Associated Builders & Contractors  
Tallahassee FL

Jim Smith (Lobbyist) - Proponent  
Sprint  
Tallahassee FL

Becki Edmonston (Lobbyist) - Proponent  
Verizon  
Tallahassee FL

Cam Fentriss (Lobbyist) - Proponent  
FRSA, FRACCA, ASCF  
Tallahassee FL

Committee meeting was reported out: Monday, April 17, 2006 4:37:49PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

Bill No. 7117

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

~~FAILED TO ADOPT~~ \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

4/17/06  
22

Council/Committee hearing bill: Education Appropriations  
Committee

Representative Dean offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Effective August 1, 2006, subsection (3) is  
added to section 322.141, Florida Statutes, to read:

322.141 Color or markings of certain licenses or  
identification cards; procedures for sexual offenders and  
predators to obtain marked licenses or identification cards.--

(3) All licenses for the operation of motor vehicles or  
identification cards originally issued or reissued by the  
department to persons who are designated as sexual predators  
under s. 775.21 or subject to registration as sexual offenders  
under s. 943.0435 or s. 944.607 shall have on the front of the  
license or identification card the following:

(a) For a person designated as a sexual predator under s.  
775.21, the marking "775.21, F.S."

(b) For a person subject to registration as a sexual  
offender under s. 943.0435 or s. 944.607, the marking "943.0435,  
F.S."

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

23        (c) Each sexual predator under s. 775.21 or sexual  
24 offender under s. 943.0435 or s. 944.607 shall report to the  
25 department during the month of his or her reregistration  
26 requirement pursuant to s. 775.21(8), s. 943.0435(14), or s.  
27 944.607(13) to obtain a marked driver's license or  
28 identification card as required under this subsection unless he  
29 or she previously secured such a marked driver's license or  
30 identification card.

31        (d) Notwithstanding paragraph (c), sexual predators under  
32 s. 775.21 and sexual offenders under s. 943.0435 or s. 944.607  
33 whose birth month is January or July must report during the  
34 month of August 2006, to the sheriff's office in the county in  
35 which they reside or, if they have no permanent or temporary  
36 residence, the county in which they are located, to receive  
37 their marked driver's license or identification card as required  
38 by s. 322.141(3). This paragraph expires January 1, 2007.

39        Section 2. Paragraph (c) is added to subsection (5) of  
40 section 322.212, Florida Statutes, to read:

41        322.212 Unauthorized possession of, and other unlawful  
42 acts in relation to, driver's license or identification card.--

43        (5)

44        (c) It is unlawful for any person on or after January 1,  
45 2007, to knowingly have in his or her possession a driver's  
46 license or identification card upon which the sexual predator or  
47 sexual offender markings required by s. 322.141(3) are not  
48 displayed or have been altered.

49        Section 3. Paragraph (f) of subsection (6) of section  
50 775.21, Florida Statutes, is amended to read:

51        775.21 The Florida Sexual Predators Act.--

52        (6) REGISTRATION.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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53           (f) Within 48 hours after the registration required under  
54 paragraph (a) or paragraph (e), a sexual predator who is not  
55 incarcerated and who resides in the community, including a  
56 sexual predator under the supervision of the Department of  
57 Corrections, shall register in person at a driver's license  
58 office of the Department of Highway Safety and Motor Vehicles  
59 and shall present proof of registration. At the driver's license  
60 office the sexual predator shall:

61           1. If otherwise qualified, secure a Florida driver's  
62 license, renew a Florida driver's license, or secure an  
63 identification card. The sexual predator shall identify himself  
64 or herself as a sexual predator who is required to comply with  
65 this section, provide his or her place of permanent or temporary  
66 residence, including a rural route address and a post office  
67 box, and submit to the taking of a photograph for use in issuing  
68 a driver's license, renewed license, or identification card, and  
69 for use by the department in maintaining current records of  
70 sexual predators. A post office box shall not be provided in  
71 lieu of a physical residential address. If the sexual predator's  
72 place of residence is a motor vehicle, trailer, mobile home, or  
73 manufactured home, as defined in chapter 320, the sexual  
74 predator shall also provide to the Department of Highway Safety  
75 and Motor Vehicles the vehicle identification number; the  
76 license tag number; the registration number; and a description,  
77 including color scheme, of the motor vehicle, trailer, mobile  
78 home, or manufactured home. If a sexual predator's place of  
79 residence is a vessel, live-aboard vessel, or houseboat, as  
80 defined in chapter 327, the sexual predator shall also provide  
81 to the Department of Highway Safety and Motor Vehicles the hull  
82 identification number; the manufacturer's serial number; the  
83 name of the vessel, live-aboard vessel, or houseboat; the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

84 registration number; and a description, including color scheme,  
85 of the vessel, live-aboard vessel, or houseboat.

86 2. Pay the costs assessed by the Department of Highway  
87 Safety and Motor Vehicles for issuing or renewing a driver's  
88 license or identification card as required by this section. The  
89 driver's license or identification card issued shall comply with  
90 s. 322.141(3).

91 3. Provide, upon request, any additional information  
92 necessary to confirm the identity of the sexual predator,  
93 including a set of fingerprints.

94  
95 The sheriff shall promptly provide to the department the  
96 information received from the sexual predator.

97 Section 4. Subsection (3) of section 943.0435, Florida  
98 Statutes, is amended to read:

99 943.0435 Sexual offenders required to register with the  
100 department; penalty.--

101 (3) Within 48 hours after the report required under  
102 subsection (2), a sexual offender shall report in person at a  
103 driver's license office of the Department of Highway Safety and  
104 Motor Vehicles, unless a driver's license or identification card  
105 that complies with the requirements of s. 322.141(3) was  
106 previously secured or updated under s. 944.607. At the driver's  
107 license office the sexual offender shall:

108 (a) If otherwise qualified, secure a Florida driver's  
109 license, renew a Florida driver's license, or secure an  
110 identification card. The sexual offender shall identify himself  
111 or herself as a sexual offender who is required to comply with  
112 this section and shall provide proof that the sexual offender  
113 reported as required in subsection (2). The sexual offender  
114 shall provide any of the information specified in subsection

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

115 (2), if requested. The sexual offender shall submit to the  
116 taking of a photograph for use in issuing a driver's license,  
117 renewed license, or identification card, and for use by the  
118 department in maintaining current records of sexual offenders.

119 (b) Pay the costs assessed by the Department of Highway  
120 Safety and Motor Vehicles for issuing or renewing a driver's  
121 license or identification card as required by this section. The  
122 driver's license or identification card issued shall comply with  
123 s. 322.141(3).

124 (c) Provide, upon request, any additional information  
125 necessary to confirm the identity of the sexual offender,  
126 including a set of fingerprints.

127 Section 5. Subsection (9) of section 944.607, Florida  
128 Statutes, is amended to read:

129 944.607 Notification to Department of Law Enforcement of  
130 information on sexual offenders.--

131 (9) A sexual offender, as described in this section, who  
132 is under the supervision of the Department of Corrections but  
133 who is not incarcerated shall, in addition to the registration  
134 requirements provided in subsection (4), register and obtain a  
135 distinctive driver's license or identification card in the  
136 manner provided in s. 943.0435(3), (4), and (5), unless the  
137 sexual offender is a sexual predator, in which case he or she  
138 shall register and obtain a distinctive driver's license or  
139 identification card as required under s. 775.21. A sexual  
140 offender who fails to comply with the requirements of s.  
141 943.0435 is subject to the penalties provided in s. 943.0435(9).

142 Section 6. Paragraph (g) of subsection (12) of section  
143 1002.33, Florida Statutes, is amended to read:

144 1002.33 Charter schools.--

145 (12) EMPLOYEES OF CHARTER SCHOOLS.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

(g) A charter school shall employ or contract with employees who have undergone background screening as required under ~~provided in~~ s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that required under ~~provided in~~ s. 1012.32.

Section 7. Paragraph (c) of subsection (7) of section 1003.63, Florida Statutes, is amended to read:

1003.63 Deregulated public schools pilot program.--

(7) EXEMPTION FROM STATUTES.--

(c) A deregulated public school shall employ or contract with employees who have been fingerprinted as required under ~~provided in~~ s. 1012.32.

Section 8. Section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel; background screening requirement.--

(1) To be eligible for appointment in any position in any district school system, a person shall be of good moral character; shall have attained the age of 18 years, if he or she is to be employed in an instructional capacity; and shall, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to s. 1012.55 or under the emergency provisions of s. 1012.24. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

(2) (a) Background screening is required of instructional and noninstructional personnel who are hired or contracted to fill positions in any district school system and of other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

177 persons authorized by the school district to perform services  
178 for compensation as follows:

179 1.(a) Instructional and noninstructional personnel who are  
180 hired or contracted to fill positions ~~requiring direct contact~~  
181 ~~with students~~ in any district school system or university lab  
182 school shall, upon employment or engagement to provide services,  
183 undergo background screening ~~as required~~ under s. 1012.465 or s.  
184 1012.56, whichever is applicable.

185 2.(b) Instructional and noninstructional personnel who are  
186 hired or contracted to fill positions in any charter school and  
187 members of the governing board of any charter school, in  
188 compliance with s. 1002.33(12)(g), shall, upon employment,  
189 engagement of services, or appointment, undergo background  
190 screening ~~as required~~ under s. 1012.465 or s. 1012.56, whichever  
191 is applicable, ~~by filing with the district school board for the~~  
192 ~~school district in which the charter school is located a~~  
193 ~~complete set of fingerprints taken by an authorized law~~  
194 ~~enforcement agency or an employee of the school or school~~  
195 ~~district who is trained to take fingerprints.~~

196 3.(c) Instructional and noninstructional personnel who are  
197 hired or contracted to fill positions ~~requiring direct contact~~  
198 ~~with students~~ in an alternative school that operates under  
199 contract with a district school system shall, upon employment or  
200 engagement to provide services, undergo background screening ~~as~~  
201 ~~required~~ under s. 1012.465 or s. 1012.56, whichever is  
202 applicable, ~~by filing with the district school board for the~~  
203 ~~school district to which the alternative school is under~~  
204 ~~contract a complete set of fingerprints taken by an authorized~~  
205 ~~law enforcement agency or an employee of the school or school~~  
206 ~~district who is trained to take fingerprints.~~



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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207        4.-(d) Student teachers, persons participating in a field  
208        experience pursuant to s. 1004.04(6) or s. 1004.85, and persons  
209        participating in a short-term experience as a teacher assistant  
210        pursuant to s. 1004.04(10) in any district school system, lab  
211        school, or charter school shall, upon engagement to provide  
212        services, undergo background screening ~~as required~~ under s.  
213        1012.56.

214        (b)1. Background screening shall be initiated by filing  
215        with the district school board for the school district in which  
216        the school, charter school, or lab school is located or to which  
217        the alternative school is under contract a complete set of  
218        fingerprints taken by an individual authorized to take  
219        fingerprints on behalf of an authorized law enforcement agency,  
220        a private service provider, or the school or school district.

221        2. Fingerprints required for a background screening shall  
222        be submitted to the Department of Law Enforcement for state  
223        processing and to the Federal Bureau of Investigation for  
224        national federal processing. The Department of Law Enforcement  
225        shall invoice the department for the fingerprints submitted each  
226        month. The school districts shall screen background results to  
227        determine if an applicant meets licensure or employment  
228        requirements. ~~Persons subject to this subsection found through~~  
229        ~~fingerprint processing to have been convicted of a crime~~  
230        ~~involving moral turpitude shall not be employed, engaged to~~  
231        ~~provide services, or serve in any position requiring direct~~  
232        ~~contact with students. Probationary persons subject to this~~  
233        ~~subsection terminated because of their criminal record have the~~  
234        ~~right to appeal such decisions.~~

235        3. The cost of the background screening may be borne by  
236        the district school board, the charter school, the employee, the  
237        contractor, or a person subject to this subsection.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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238        (c) Persons subject to this subsection found through  
239 fingerprint processing to have been convicted of a crime  
240 involving moral turpitude shall not be employed, engaged to  
241 provide services, or serve in any position requiring direct  
242 contact with students. Probationary persons subject to this  
243 subsection terminated because of their criminal record have the  
244 right to appeal such decisions.

245        (3) (a) ~~Beginning July 1, 2004,~~ All fingerprints submitted  
246 to the Department of Law Enforcement as required by subsection  
247 (2) shall be retained by the Department of Law Enforcement in a  
248 manner provided by rule and entered in the statewide automated  
249 fingerprint identification system authorized by s. 943.05(2)(b).  
250 Such fingerprints shall thereafter be available for all purposes  
251 and uses authorized for arrest fingerprint cards entered in the  
252 statewide automated fingerprint identification system pursuant  
253 to s. 943.051.

254        (b) ~~Beginning December 15, 2004,~~ The Department of Law  
255 Enforcement shall search all arrest fingerprint cards received  
256 under s. 943.051 against the fingerprints retained in the  
257 statewide automated fingerprint identification system under  
258 paragraph (a). Any arrest record that is identified with the  
259 retained fingerprints of a person subject to the background  
260 screening under this section shall be reported to the employing  
261 or contracting school district or the school district with which  
262 the person is affiliated. Each school district is required to  
263 participate in this search process by payment of an annual fee  
264 to the Department of Law Enforcement and by informing the  
265 Department of Law Enforcement of any change in the affiliation,  
266 employment, or contractual status or place of affiliation,  
267 employment, or contracting of individuals ~~its instructional and~~  
268 ~~noninstructional personnel~~ whose fingerprints are retained under

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

paragraph (a). The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each school district for performing these searches and establishing the procedures for the retention of instructional and ~~noninstructional personnel~~ fingerprints and the dissemination of search results. The fee may be borne by the district school board, the contractor, or the person fingerprinted.

(c) Personnel whose fingerprints are not retained by the Department of Law Enforcement under paragraphs (a) and (b) are required to be refingerprinted and must meet the applicable level-2 screening standards requirements as described in this section upon reemployment or reengagement to provide services in order to comply with the requirements of this subsection.

(4) For each person subject to background screening under this section who is required by law to be rescreened periodically, the district school board shall request the Department of Law Enforcement to forward the person's fingerprints for rescreening purposes to the Federal Bureau of Investigation for national processing. If the person's fingerprints were not retained by the Department of Law Enforcement after the initial screening, the person must file a complete set of fingerprints. Upon submission of fingerprints for this purpose, the district school board shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for national processing, and the fingerprints shall be retained by the Department of Law Enforcement under paragraphs (3) (a) and (b). The cost of the rescreening may be borne by the district school board, the charter school, the employee, the contractor, or any other person subject to rescreening as specified in this subsection.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01

Section 9. Section 1012.465, Florida Statutes, is amended to read:

1012.465 Background screening requirements for certain noninstructional school district employees and other specified individuals ~~contractors~~.--

(1) For purposes of s. 1012.32, the following individuals ~~Noninstructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds~~ must meet the level 2 screening standards in s. 435.04: requirements as described in s. 1012.32.

(a) Noninstructional school district employees who have direct, unsupervised contact with students or who have access to or control of school funds.

(b) Other individuals who are authorized by the school district to perform services for compensation and that involve access to or control of school funds.

(c) Other individuals who are authorized by the school district to perform services for compensation that involve direct, unsupervised contact with students. This paragraph does not apply to any individual who, by law due to the nature of his or her occupation or business, is required to submit to a state and national criminal history check for licensing or other purposes, if such license or other certificate is current and in good standing and the individual submits proof of good standing to the school district. ~~Contractual personnel shall include any vendor, individual, or entity under contract with the school board.~~

(2) The Department of Law Enforcement shall implement a system that allows for criminal history record information

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331 provided under paragraph (1)(c) to a school district to be  
332 shared with other school districts through a secure website or  
333 other electronic means.

334 (3) An individual subject to paragraph (1)(c) shall inform  
335 a school district if he or she has had a criminal history check  
336 in another school district within the last 5 years. If he or she  
337 has had such a check, the school district shall verify the  
338 results of the contractor's criminal history check using the  
339 shared system implemented under paragraph (2). The school  
340 district shall not charge the individual a fee for verifying the  
341 results of his or her criminal history check.

342 (4) (a) (2) In accordance with s. 1012.32(4), every 5 years  
343 following employment or entry into a contract in a capacity  
344 described in subsection (1), each person who is so employed or  
345 under contract with the school district must meet the level 2  
346 screening standards of s. 435.04 requirements as described in s.  
347 1012.32, at which time the school district shall request the  
348 Department of Law Enforcement to forward the fingerprints to the  
349 Federal Bureau of Investigation for the level 2 screening. If,  
350 for any reason following employment or entry into a contract in  
351 a capacity described in subsection (1), the fingerprints of a  
352 person who is so employed or under contract with the school  
353 district are not retained by the Department of Law Enforcement  
354 under s. 1012.32(3)(a) and (b), the person must file a complete  
355 set of fingerprints with the district school superintendent of  
356 the employing or contracting school district. Upon submission of  
357 fingerprints for this purpose, the school district shall request  
358 the Department of Law Enforcement to forward the fingerprints to  
359 the Federal Bureau of Investigation for the level 2 screening,  
360 and the fingerprints shall be retained by the Department of Law  
361 Enforcement under s. 1012.32(3)(a) and (b). The cost of the

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~~state and federal criminal history check required by level 2 screening may be borne by the district school board, the contractor, or the person fingerprinted.~~

(b) Under penalty of perjury, each person who is employed or under contract in a capacity described in subsection (1) must agree to inform his or her employer or the party with whom he or she is under contract within 48 hours if convicted of any disqualifying offense while he or she is employed or under contract in that capacity.

~~(5)(3)~~ If it is found that a person who is employed or under contract in a capacity described in subsection (1) does not meet the level 2 screening standards of s. 435.04 requirements, the person shall be immediately suspended from working in that capacity and shall remain suspended until final resolution of any appeals.

Section 10. Section 1012.4561, Florida Statutes, is created to read:

1012.4561 Contractors and contract workers having access to school grounds when students are present; exclusions.--

(1) As used in this section, the term:

(a) "Contractor" means a person who is engaged by the school district to provide goods or services for compensation that do not involve direct, unsupervised contact with students and who employs contract workers or subcontracts with a person who employs contract workers to provide such goods or services. "Contractor" also means an individual who is engaged by a school district to provide such goods or services for compensation.

(b) "Contract worker" means a contractor or any individual, other than an individual described in s. 1012.465(1) or s. 1012.56, who has access to school grounds for business or

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employment purposes of a contractor for compensation when students are present.

(c) "School grounds" means the buildings and grounds of any public prekindergarten, kindergarten, elementary school, middle school, junior high school, high school, or secondary school, together with the school district land on which the buildings are located. The term "school grounds" does not include:

1. Any other facility or location where school classes or activities may be located or take place;

2. Any buildings or grounds described in this paragraph during any time period in which students are not permitted access; or

3. Any building described in this paragraph during any period in which it is used as an adult, career, or technical center under part IV of chapter 1004.

(2) A contract worker who is designated as a sexual predator under s. 775.21, who is subject to registration as a sexual offender under s. 943.0435, or who appears on the National Sex Offender Public Registry maintained by the United States Department of Justice may not be on school grounds. A contract worker who is present on school grounds in violation of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Before allowing a contract worker to have access to school grounds, a contractor must provide the school district with certification that the contractor has:

1. For an individual who holds a Florida driver's license or identification card, examined the contract worker's license or identification card and confirmed that it does not have the markings required by s. 322.141(3). The requirements of this

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subparagraph do not apply to certifications made before January 1, 2007.

2. Checked and confirmed that the individual is not on the National Sex Offender Public Registry.

The contractor shall make its records supporting the certification available for inspection at the request of a school district employee.

(b)1. Each contract worker who has been issued a Florida driver's license or identification card shall possess the card at all times while working on school grounds and shall show it to any school district employee upon request.

2. Each contract worker who has not been issued or does not have in his or her possession a Florida driver's license or identification card shall submit to a check against the National Sex Offender Public Registry upon the request of any school district employee.

(c) Any person who knowingly and willfully violates this subsection and who holds a professional license under chapter 455 commits an act constituting grounds for discipline as described in s. 455.227(1)(a). Any person who knowingly and willfully violates this subsection and who holds a professional license under chapter 456 commits an act constituting grounds for discipline as described in s. 456.072(1)(a).

(d) An contract worker must inform the contractor within 48 hours if he or she is arrested for an offense for which a conviction could lead to the person being designated as a sexual predator under s. 775.21 or subject to registration as a sexual offender under s. 943.0435. A person who willfully fails to comply with this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.



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454        (4) This section does not apply to law enforcement  
455 officers, as defined in s. 943.10, assigned by their employing  
456 agencies to work on school grounds as part of their official  
457 duties or first responder personnel responding to a request for  
458 assistance. For purposes of this subsection, the term "first  
459 responder personnel" includes law enforcement officers, as  
460 defined in s. 943.10, emergency medical technicians, paramedics,  
461 and firefighters.

462        (5) This section may not give rise to any private civil  
463 liability nor be construed to create a private cause of action  
464 for monetary damages.

465        (6) A school board may adopt rules under ss. 120.536(1)  
466 and 120.54 to implement the provisions of this section.

467        Section 11. Subsection (9) of section 1012.56, Florida  
468 Statutes, is amended to read:

469        1012.56 Educator certification requirements.--

470        (9) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
471 PERIODICALLY.--

472        (a) For purposes of s. 1012.32, each person who seeks  
473 certification under this chapter must meet the level 2 screening  
474 standards of s. 435.04 ~~requirements as described in s. 1012.32~~  
475 unless a level 2 screening has been conducted by a district  
476 school board or the Department of Education within 12 months  
477 before the date the person initially obtains certification under  
478 this chapter, the results of which are submitted to the district  
479 school board or to the Department of Education.

480        (b) 1. A person may not receive a certificate under this  
481 chapter until the level 2 screening under s. 435.04 has been  
482 completed and the results have been submitted to the Department  
483 of Education or to the district school superintendent of the  
484 school district that employs the person.

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485        2. In accordance with s. 1012.32(4), every 5 years after  
486 obtaining initial certification, each person who is required to  
487 be certified under this chapter must meet the level 2 screening  
488 standards of s. 435.04 requirements as described in s. 1012.32,  
489 ~~at which time the school district shall request the Department~~  
490 ~~of Law Enforcement to forward the fingerprints to the Federal~~  
491 ~~Bureau of Investigation for the level 2 screening. If, for any~~  
492 ~~reason after obtaining initial certification, the fingerprints~~  
493 ~~of a person who is required to be certified under this chapter~~  
494 ~~are not retained by the Department of Law Enforcement under s.~~  
495 ~~1012.32(3)(a) and (b), the person must file a complete set of~~  
496 ~~fingerprints with the district school superintendent of the~~  
497 ~~employing school district. Upon submission of fingerprints for~~  
498 ~~this purpose, the school district shall request the Department~~  
499 ~~of Law Enforcement to forward the fingerprints to the Federal~~  
500 ~~Bureau of Investigation for the level 2 screening, and the~~  
501 ~~fingerprints shall be retained by the Department of Law~~  
502 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
503 ~~state and federal criminal history check required by level 2~~  
504 ~~screening may be borne by the district school board or the~~  
505 ~~employee.~~

506        3. Under penalty of perjury, each person who is certified  
507 under this chapter must agree to inform his or her employer  
508 within 48 hours if convicted of any disqualifying offense while  
509 he or she is employed in a position for which such certification  
510 is required.

511        (c) If it is found under s. 1012.796 that a person who is  
512 employed in a position requiring certification under this  
513 chapter does not meet the level 2 screening standards of s.  
514 435.04 requirements, the person's certification shall be

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immediately revoked or suspended and he or she shall be  
immediately suspended from the position requiring certification.

Section 12. The sum of \$30,000 is appropriated from the  
Highway Safety Operating Trust Fund to the Department of Highway  
Safety and Motor Vehicles for the 2006-2007 fiscal year for  
computer programming costs related to this act.

Section 13. Except as otherwise expressly provided in this  
act, this act shall take effect July 1, 2006.

===== T I T L E   A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to sexual predators and offenders;  
amending s. 322.141, F.S.; requiring distinctive markings  
for driver's licenses and identification cards issued to  
persons who are designated as sexual predators or subject  
to registration as sexual offenders; providing procedures  
for offenders to obtain such licenses or identification  
cards; providing for initial issuance; providing for  
future repeal of a specified provision; amending s.  
322.212, F.S.; prohibiting the alteration of sexual  
predator or sexual offender markings on driver's licenses  
or identification cards; providing criminal penalties;  
amending s. 775.21, F.S.; requiring sexual predators to  
obtain a distinctive driver's license or identification  
card; amending s. 943.0435, F.S.; requiring sexual  
offenders to obtain a distinctive driver's license or  
identification card; amending s. 944.607, F.S.; requiring  
specified offenders who are under the supervision of the  
Department of Corrections but are not incarcerated to  
obtain a distinctive driver's license or identification

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card; amending ss. 1002.33 and 1003.63, F.S.; revising cross-references; amending s. 1012.32, F.S.; revising provisions relating to background screening of school district personnel; revising provisions relating to fingerprints; providing procedures for periodic rescreening of certain personnel; amending s. 1012.465, F.S.; revising provisions relating to background screenings of certain noninstructional school district employees and other specified individuals; revising provisions relating to periodic rescreening of certain persons; creating s. 1012.4561, F.S.; providing definitions; prohibiting contract workers who are designated as sexual predators, subject to registration as a sexual offenders, or who appear on the National Sex Offender Public Registry from being present on school grounds; providing criminal penalties; requiring contract workers working on school grounds to be subject to a check of Florida driver's licenses or identification cards for the purposes of ascertaining their sexual offender and sexual predator status and checked against the National Sex Offender Public Registry; providing duties for certain contract workers; providing penalties; requiring certain individuals to report certain offenses; providing penalties; providing exceptions; providing that no provision of the section shall give rise to private civil liability or create a private cause of action for monetary damages; providing rulemaking authority to school boards; amending s. 1012.56, F.S.; revising provisions relating to background screening for educator certification; revising provisions relating to periodic rescreening of such

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576 persons; providing an appropriation; providing effective  
577 dates.

**COMMITTEE MEETING REPORT**  
**Education Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 212 Knott Building

**Summary:**

**Education Appropriations Committee**

*Monday April 17, 2006 03:00 pm*

HB 119 CS	Favorable With Committee Substitute	Yeas: 11	Nays: 1
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HB 665	Favorable	Yeas: 13	Nays: 1
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HB 7117	Favorable With Committee Substitute	Yeas: 16	Nays: 1
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Committee meeting was reported out: Monday, April 17, 2006 4:37:49PM